

PATENT  
ATTORNEY'S DOCKET NUMBER B45171

TRANSMITTAL LETTER TO THE U.S. DESIGNATED/ELECTED OFFICE  
(DO/EO/US) – CONCERNING A FILING UNDER 35 U.S.C 371

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INTERNATIONAL APP. NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP00/01457	22 February 2000	25 February 1999

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TITLE OF INVENTION  
IMMUNOGENS COMPRISING A PEPTIDE AND A CARRIER DERIVED FROM H.  
INFLUENZAE PROTEIN D

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APPLICANT(S) FOR DO/US

Michel COSTE, Yves LOBET, Marcelle Paulette VAN MECHELEN, Christophe VERRIEST

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Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: DO/US

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CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter, Form PTO 1390 and the papers indicated as being transmitted therewith, and Post Card are being deposited with the United States Postal Service on this date January 7, 2002 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL737848916US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Elsa Matos  
(Typed or printed name of person mailing paper)

Elsa Matos  
(Signature of person mailing paper)



20462

Form PTO 1390 (REV 5-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>B45171</b>	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>09/914,080</b>	
INTERNATIONAL APPLICATION NO. <b>PCT/EP00/01457</b>		INTERNATIONAL FILING DATE <b>22 February 2000</b>		PRIORITY DATE CLAIMED <b>25 February 1999</b>	
TITLE OF INVENTION <b>IMMUNOGENS COMPRISING A PEPTIDE AND A CARRIER DERIVED FROM H. INFLUENZAE PROTEIN D</b>					
APPLICANT(S) FOR DO/EO/US <b>Michel COSTE, Yves LOBET, Marcelle Paulette VAN MECHELEN, Christophe VERRIEST</b>					

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ Please amend the specification by inserting before the first line the sentence: This is a 371 of International Application PCT/EP96/05045, filed November 15, 1996.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ An Abstract on a separate sheet of paper.
19. ☒ Other items or information: Copy of Form PCT/DO/EO/905; Hard copy of the Sequence Listing, Statement to Support, Diskette, Communication

US APPLICATION NO. (if known see 37 CFR 1.50) <b>09/914,080</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP00/01457</b>		ATTORNEYS DOCKET NO. <b>B45171</b>	
20. [x] The following fees are submitted:				CALCULATIONS PTO USE ONLY	
(x) one month extension.....		\$ 110			
() two months extension.....		\$ 400			
() three months extension.....		\$ 920			
() four months extension (not beyond statutory time period).....		\$1,440			
() fifth month extension.....		\$1,960			
ENTER APPROPRIATE BASIC FEE AMOUNT =				<b>\$110.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than o 20 o 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$130.00</b>	
Claims	Number Filed	Number Extra	Rate		
Total claims	- 20 =	0	0 x \$18.00	<b>\$0.00</b>	
Independent claims	- 3 =	0	0 x \$84.00	<b>\$0.00</b>	
Multiple dependent claims (if applicable)			+ \$280.00	<b>\$0.00</b>	
TOTAL OF ABOVE CALCULATIONS =				<b>\$240.00</b>	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				<b>\$</b>	
SUBTOTAL =				<b>\$240.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than o 20 o 30 months from the earliest claimed priority date (37 CFR 1.492(f)) +				<b>\$</b>	
TOTAL NATIONAL FEE =				<b>\$240.00</b>	
<del>01/14/2002 HINGUYEN 00000062 192570 09914080</del>				Amount to be refunded \$	
01 FC:154 130.00 CH					
02 FC:115 110.00 CH				charged \$	

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-2570 in the amount of **\$240.00** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2570. A duplicate copy of this sheet is enclosed.
- d. ☒ General authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extension of time relating to this application. (37 CFR 1.136 (a)(3)).

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**GLAXOSMITHKLINE**

Corporate Intellectual Property - UW2220

P.O. Box 1539

King of Prussia, PA 19406-0939

Phone (610) 270-5024

Facsimile (610) 270-5090



SIGNATURE

Zoltan Kerekes

NAME

38,938

REGISTRATION NO.

**"EXPRESS MAIL CERTIFICATE"**  
"EXPRESS MAIL" MAILING LABEL NUMBER **EL737848916US**  
DATE OF DEPOSIT **January 7, 2002**

Attorney Docket No. B45171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Coste, et al.	January 7, 2002
Serial No.:	09/914,080	Group Art Unit: Not Yet Assigned
Filed:	August 22, 2001	Examiner: Not Yet Assigned
For:	IMMUNOGENS COMPRISING A PEPTIDE AND A CARRIER DERIVED FROM H. INFLUENZAE PROTEIN D	

Assistant Commissioner of Patents  
Washington, D.C. 20231

COMMUNICATION

This paper is in response to the Notice of Missing Requirements mailed October 26, 2001. Applicants submit the Oath or Declaration herewith.

Applicants wish to point out to the Examiner that Applicants had submitted the Sequence Listing in computer readable form at the time the above-referenced patent application was filed. Accordingly, Applicants already complied with the sequence requirements. Nevertheless, in order to expedite the prosecution of the application, Applicants are submitting herewith: a) a computer readable form copy of the sequence listing; b) a paper copy of the sequence listing; and c) a statement that the paper and the computer readable copies are the same for the Examiner's convenience.

Serial No.: 09/914,080  
Group Art Unit.: Not Yet Assigned

Applicants hereby confirm that the sequence listing does not contain matter which goes beyond the disclosure in the international application as filed.

Respectfully submitted,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Zoltan Kerekes.

Zoltan Kerekes  
Attorney for Applicants  
Registration No. 38,938

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N:\zk\apps\b45171\communication.doc

 <small>Communication for Priority, see PCT, United States Patent and Trademark Office, Washington, D.C. 20514, www.uspto.gov</small>		
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/914,080

Michel Coste

B45171

INTERNATIONAL APPLICATION NO.
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PCT/EP00/01457

I.A. FILING DATE	PRIORITY DATE
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02/22/2000

02/25/1999

William R Majarian  
 Glaxosmithkline  
 Corporate Intellectual Property UW2220  
 PO Box 1539  
 King Of Prussia, PA 19406-0939

CONFIRMATION NO. 9246

371 FORMALITIES LETTER



\*OC000000006972419\*

Date Mailed: 10/26/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required

by 37 CFR 1.821(e).

■ **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

INDIA L EVANS

Telephone: (703) 305-2936

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/914,080	PCT/EP00/01457	B45171